

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-12 remain in the application. Claim 7 has been amended.

In item 1 on page 2 of the above-identified Office action, claim 7 has been objected to as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that there is insufficient antecedent basis for the limitation of "the receiving unit" in line 2. Claim 7 has been amended so as to facilitate prosecution of the application. Therefore, the objection to claim 7 by the Examiner is believed to have been overcome.

Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

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In item 2 on page 2 of the Office action, claims 1-5, 8, 9, and 11 have been rejected as being obvious over Inoue (U.S. Publication No. 2003/0141867 A1) in view of Chen (U.S. Publication No. 2004/0082840 A1) under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Applicant respectfully notes that Inoue has a United States filing date of **January 29, 2003**. See 35 U.S.C. § 102(e). As set forth in the Declaration of record, the instant application claims international priority of the German Application No. **102 40 446.1**, filed **September 2, 2002**, under 35 U.S.C. § 119. Pursuant to 35 U.S.C. §§ 119, 120 and 363, applicant is entitled to the priority date of the German application. See MPEP §§ 201.13 and 1895. Thus, the instant application predates Inoue by more than 3 months. Because Inoue was filed after the priority date of the instant application, applicant respectfully believes that Inoue is unavailable as prior art.

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Applicant respectfully notes that Chen has a United States filing date of **June 24, 2003**. See 35 U.S.C. § 102(e). As set forth in the Declaration of record, the instant application claims international priority of the German Application No. **102 40 446.1**, filed **September 2, 2002**, under 35 U.S.C. § 119. Pursuant to 35 U.S.C. §§ 119, 120 and 363, applicant is entitled to the priority date of the German application. See MPEP §§ 201.13 and 1895. Thus, the instant application predates Chen by more than 9 months. Because Chen was filed after the priority date of the instant application, applicant respectfully believes that Chen is unavailable as prior art.

Applicant acknowledges that perfection of priority can only be obtained by filing a certified English translation of the German priority application. See 35 U.S.C. § 119. Concurrent herewith, applicant has filed a Claim for Priority including both a certified copy of German application **102 40 446.1** and a certified English translation of same. Accordingly, applicant respectfully believes that priority has been perfected and Inoue and Chen are unavailable as prior art. Therefore, applicant respectfully submits that the Section 103 rejection on pages 2 to 3 of the Office action is now moot.

It is appreciatively noted from item 3 on page 4 of the Office action that claims 6, 10, and 12 would be allowable if

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rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims have not been amended as indicated by the Examiner, as the claims are believed to be patentable in their existing form.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 11. Claims 1 and 11 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 11, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &  
Greenberg P.A., No. 12-1099.

Respectfully submitted,

  
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For Applicant(s)

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AKD:cgm

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